CONTINUING PATENT APPLICATION TRANSMITTAL (for Continuing Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. 79655

Customer No. 22242

First Named Inventor or Application Identifier: Shimasaki et al.

17858 U.S.PTO 10/691017 102203

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under 37 C.F.R. §1.53(b) for filing a:

☒ Continuation application,

☐ Divisional application,

☐ Continuation-in-Part application,

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit Oct. 22, 2003

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dominic Vesel
(Typed or printed name of person mailing)

(Signature of person mailing)

of pending prior application number 09/548,714, filed on April 13, 2000 by inventor(s) Shimasaki et al. entitled Viral Detection Method Using Viral Encoded Enzymes and Chemiluminescent Substrates.

Prior application information: Examiner Ralph Gitomer Art Unit 1651.

1. ☐ This is a continuation or divisional application. Enclosed is a copy of the prior application as originally filed, including specification, claims, drawings, and oath or declaration.

- or -

☒ Enclosed is a patent application (for continuation, divisional, or continuation-in-part applications) containing:

☒ 31 pages of the specification (including claims).

☒ 2 sheet(s) of drawings. ☒ Formal ☐ Informal

2. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☒ continuation, ☐ division, ☐ continuation-in-part, of prior application number 09/548,714, filed April 13, 2000, which is hereby incorporated herein by reference in its entirety.-- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 3 below, is considered as being part of the disclosure of the accompanying application, and is h reby incorporated by reference therein.

3. ☒ A copy of the executed Oath or Declaration filed in the prior nonprovisional application is enclosed.

4. ☐ Inventorship:

 ☐ A newly-executed Oath or Declaration and Power of Attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a),(d)(5) and (e)).

 ☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):

 ☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§1.41(a)and §1.53(b)).

5. ☐ An Assignment of the invention to _____, and cover sheet are enclosed.

 ☐ A check in the amount of $_____ to cover the fee for recording the assignment is enclosed.

 ☐ The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment.

6. ☒ The prior application is assigned of record to ZymeTx, Inc.

7. ☐ A 37 C.F.R. §3.73(b)statement is enclosed where an assignee seeks to take action.

8. ☐ A preliminary amendment is enclosed.

9. ☐ Drawings:

 ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138and before payment of base issue fee.)

 ☐ New formal drawings are enclosed.

 ☐ Informal drawings are enclosed.

10. ☒ A separate written request under 37 C.F.R. §1.136(a)(3),which is a general authorization to treat any concurrent or future reply requiring a petition for an extension

of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

11. ☐ An Information Disclosure Statement is enclosed.

 ☐ A Form PTO/SB/08 is enclosed.

 ☐ _____ References (copies) listed on the Form PTO/SB/08 are enclosed.

12. ☐ A Computer Program Listing Appendix is enclosed.

 ☐ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.

 ☐ Two (2) Compact Discs are enclosed.

13. ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.

 ☐ A Computer Readable Copy is enclosed.

 ☐ A Paper Copy (Identical to Computer Copy) is enclosed.

 ☐ A Statement Verifying Identity of above Copies is enclosed.

14. ☒ A Return Receipt Postcard is enclosed (MPEP §503).

15. ☐ Priority of application number _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.

 ☐ The certified copy of the priority document has been filed in prior application number _____, filed _____.

 ☐ A certified copy of the priority document is enclosed.

16. ☒ Power of Attorney:

 ☒ The power of attorney in the prior application is to:

 ☒ Richard A. Kaba, Registration No. 30,562
 FITCH, EVEN, TABIN & FLANNERY
 120 South LaSalle Street, Suite 1600
 Chicago, Illinois 60603-3406
 and other members of the firm.

 ☐ Customer Number 22242.

 ☐ The power appears in the original papers in the prior application.

 ☐ Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

17. ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

18. ☒ The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application, Less Any Claims Cancelled by Amendment

Basic Utility Fee		$770.00		$ 770.00
Independent Claims	2 - 3 = 0	x $ 86.00	=	$ 0.00
Total Claims	20 - 20 = 0	x $ 18.00	=	$ 0.00
Fee for Multiply Dependent Claims		$290.00		
or				
Basic Design Fee		$340.00		
		Total Filing Fee		$ 770.00

☒ Applicant(s) assert entitlement to Small Entity Status (37 C.F.R. § 1.27), reducing the Filing Fee by half to: $ **385.00**

19. ☐ A check in the amount of $_____ to cover the filing fee is enclosed.

20. ☒ Charge $ 385.00 to Deposit Account No. 06-1135.

21. ☐ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.

22. ☒ The Director is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This request is filed in triplicate.

23. ☒ Also enclosed: 3-month Petition for Extension of Time (small entity).

24. ☒ Address all future communications to CUSTOMER NUMBER 22242.

Oct. 22, 2003
Date

Richard A. Kaba
Registration No. 30,562
☐ Attorney or agent of record
☐ Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Shimasaki et al.
Filed:	Herewith
Title:	Viral Detection Method Using Viral Encoded Enzymes and Chemiluminescent Substratess
Attorney Docket No.:	79655
Customer No.:	22242

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Dominic Vassell
(Typed or printed name of person mailing)

Dominic Vassell
(Signature of person mailing)

GENERAL AUTHORIZATION FOR PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)(3)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby request under 37 C.F.R. §1.136(a)(3) by this general authorization that any concurrent or future reply submitted by Applicant(s) to the United States Patent and Trademark Office for the above-identified patent application requiring a petition for an extension of time under §1.136(a) for its timely submission be treated as incorporating therein a petition for an extension of time for the appropriate length of time.

If Applicant(s) do not timely pay for any extension fee(s) pursuant to 37 C.F.R. §1.136(a) which may become due for this application under 37 C.F.R. §1.17 by check, the Director is hereby authorized to charge such fee(s), and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Oct. 22, 2003
Date

Richard A. Kaba
Registration No. 30,562

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120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 68739

Filed: April 13, 2000

Applicant(s): Shimasaki et al.

Title: Viral Detection Method Using Viral Encoded Enzymes and Chemiluminescent Substrates

Art Unit: 1651

Examiner: Ralph J. Gitomer

Attorney Docket No.: 79655

Customer No.: 22242

Confirmation No. 6834

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Dominic Vessell
(Typed or printed name of person mailing)

Dawn Vessell
(Signature of person mailing)

PETITION FOR EXTENSION OF TIME

Applicant(s) hereby petition(s) under 37 CFR §1.136(a) for an extension of time for reply in the above-identified application for the period required to make the accompanying reply timely, or, if there be no accompanying reply, for the period for which the fee is indicated or the period necessary to prevent abandonment of the above-identified application if longer than the period for which the fee is indicated.

Extension fee for reply within third month:

☒ By a small entity (§1.9(f)) $ 475.00

☐ By other than a small entity $ 950.00

☐ A check in the amount of $_____ to cover the extension fee is enclosed.

☒ Charge $ 475.00 to Deposit Account No. 06-1135.

☒ The Director is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in duplicate.

October 22, 2003
Date

Richard A. Kaba
Registration No. 30,562

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